

REMARKS**Interview Summary**

Applicant thanks Examiner Thomasson and Examiner Thai for the telephonic interview on February 13, 2008. The Applicant's representative, Karen Kaufman (57,239) was present.

During the interview, the meaning of the term "elapsed time" in claim 1 was discussed in view of the disclosure of Mott (U.S. 5,269,687). To clarify the meaning of the term, the applicant's representative remarked that paragraph eleven of the specification provides that "[t]he game software also records a total time that it takes the player character to arrive at the endpoint, and an elapsed time to each point in the path." Mott, however, teaches that "the lap time is fixed and indicates the complete time of the last lap." Col. 5, l. 62-63 (emphasis added); see FIGs. 4 and 5.

Also during the interview, the distinctions between a checkpoint 138 described in Mott and the displayed path markers of claim 1 were discussed.

Amendments to the Claims

Independent claims 1, 19, 24, and 30 have been amended for clarity. These amendments are supported, at least, by paragraph [0011] of the specification as filed.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-30 have been rejected as unpatentable over Yoshida et al. (US 6,652,376) in view of Mott. *Office Action*, 4.

Claim 1 of the present application specifically requires "an elapsed time associated with the displayed path marker from the previous run." As discussed during the telephonic

interview, the **current lap time** disclosed by *Mott* is not the same as the **elapsed time** of claim 1.

The Examiner attempts to cure this deficiency by referring to the "ghost car" used in *Mott* to display a complete recording of a lap previously run by the user. *Office Action*, 5. The path markers recited in claim 1 are not equivalent to this ghost car. The presently claimed path markers indicate a comparison of **elapsed time** of a current video game session to an **elapsed time** based on a previous run. The ghost car in *Mott* compares the **location** of the player to a **location** of the player in a previous run. See, e.g., Col. 5, 1, 18-34.

The Examiner also asserts that "one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function." *Office Action*, 5. The Examiner specifically refers to the section of *Mott*, which describes the lap car, or ghost car. *Office Action*, 5. In this combination, however, the references indicate the relative position of the ghost car and the current player.

Since the "best time" disclosed in *Mott* is the complete time of the last lap, to combine the teachings of *Yoshida* and *Mott* results in a path marker that merely compares the **current lap time** to the **complete time of the last lap**. Combining *Yoshida* and *Mott*, therefore, fails to result in "determining a color for a displayed path marker of the visual string of path markers based upon an **elapsed time of a current video game session** and an **elapsed time associated with the displayed path marker from the previous run**" as recited in claim 1. The Examiner, therefore, has not provided a *prima facie* case of obviousness.

Independent claims 19, 24, and 30 recite similar claim elements and the Applicant believes that the rejection of claims 19, 24, and 30 is overcome for at least the same reasons as claim 1.

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CONCLUSIONS

The Examiner's rejections of independent claims 1, 19, 24 and 30 are overcome in that the cited references fail to teach each and every limitation of the claims.

The references of record fail to disclose, at least, an elapsed time associated with the displayed path marker from the previous run.

As such, the cited art fails to evidence the obviousness of the independent claims and the rejections set forth in the *Office Action* are overcome.

The Applicant respectfully requests the passage of the present application to allowance.

The Examiner is invited to contact the Applicant's undersigned representative with any questions concerning this matter.

Respectfully submitted,
Scott Campbell

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By:

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